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**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:16-cv-02146-RRM-CLP**

Lofted Coffee LLC v. Lofty Coffee Inc.
Assigned to: Judge Roslynn R. Mauskopf
Referred to: Magistrate Judge Cheryl L. Pollak
Cause: 28:1338 Trademark Infringement

Date Filed: 04/29/2016
Date Terminated: 03/23/2017
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Lofted Coffee LLC

represented by **Brian Lehman**
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PRO HAC VICE
ATTORNEY TO BE NOTICED

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TERMINATED: 11/28/2016
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718-404-6668
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ATTORNEY TO BE NOTICED

V.

Defendant

Lofty Coffee Inc.

represented by **Matthew A. Pequignot**
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ATTORNEY TO BE NOTICED

Counter Claimant

Lofty Coffee Inc.

represented by **Matthew A. Pequignot**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Giles Sullivan
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Lofted Coffee LLC

represented by **Brian Lehman**
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

David Michael Kasell
 (See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 04/29/2016 | <u>1</u> | COMPLAINT against Lofty Coffee Inc. filing fee \$ 400, receipt number 0207-8572057 Was the Disclosure Statement on Civil Cover Sheet completed –NO,, filed by Lofted Coffee LLC. (Kasell, David) (Entered: 04/29/2016) |
| 05/02/2016 | | NOTICE :The Civil Cover Sheet and Proposed Summons was not completed – the Clerk's Office cannot assign this case without a completed Civil Cover Sheet. Counsel is directed to submit the completed Civil Cover Sheet using the event Proposed Summons/Civil Cover Sheet (Davis, Kimberly) (Entered: 05/02/2016) |
| 05/10/2016 | <u>2</u> | Proposed Summons.Civil Cover Sheet.. Re <u>1</u> Complaint by Lofted Coffee LLC (Attachments: # <u>1</u> proposed summons) (Kasell, David) (Entered: 05/10/2016) |
| 05/11/2016 | | SECOND NOTICE: The Second Page of the Civil Cover Sheet was not completed (NY-E Division of Business Rule 50.1 (d)(2) and Bar Admission Section) – the Clerk's Office cannot assign this case without a completed Civil Cover Sheet. Counsel is directed to submit the completed Civil Cover Sheet using the event Proposed Summons/Civil Cover Sheet (Davis, Kimberly) (Entered: 05/11/2016) |
| 05/13/2016 | <u>3</u> | Proposed Summons.Civil Cover Sheet.. Re <u>1</u> Complaint by Lofted Coffee LLC (Attachments: # <u>1</u> Proposed Summons) (Kasell, David) (Entered: 05/13/2016) |
| 05/13/2016 | | Case assigned to Judge Roslynn R. Mauskopf and Magistrate Judge Cheryl L. Pollak. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Bowens, Priscilla) (Entered: 05/13/2016) |

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| 05/13/2016 | <u>4</u> | Summons Issued as to Lofty Coffee Inc.. (Bowens, Priscilla) (Entered: 05/13/2016) |
| 05/13/2016 | <u>5</u> | In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Bowens, Priscilla) (Entered: 05/13/2016) |
| 05/13/2016 | <u>6</u> | This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 05/13/2016) |
| 07/11/2016 | <u>7</u> | <i>Defendant's</i> ANSWER to <u>1</u> Complaint for Declaratory Judgment, COUNTERCLAIM against Lofted Coffee LLC by Lofty Coffee Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Sullivan, Michael) (Entered: 07/11/2016) |
| 07/12/2016 | <u>8</u> | SCHEDULING ORDER: An Initial Conference set for 8/25/2016 @ 3:00 PM before Magistrate Judge Cheryl L. Pollak. So Ordered by Magistrate Judge Cheryl L. Pollak on 7/12/2016. (Caggiano, Diana) (Entered: 07/12/2016) |
| 07/24/2016 | <u>9</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-8781949. by Lofted Coffee LLC. (Attachments: # <u>1</u> PHV Affidavit, # <u>2</u> Cert. Of Good Standing) (Ortiz, Matthew) (Entered: 07/24/2016) |
| 07/25/2016 | <u>10</u> | Letter by Lofted Coffee LLC (Ortiz, Matthew) (Entered: 07/25/2016) |
| 07/26/2016 | <u>11</u> | MOTION to Amend/Correct/Supplement <u>9</u> MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-8781949. by Lofted Coffee LLC. (Ortiz, Matthew) (Entered: 07/26/2016) |
| 07/29/2016 | <u>12</u> | Second MOTION to Amend/Correct/Supplement <u>9</u> MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-8781949. by Lofted Coffee LLC. (Attachments: # <u>1</u> Proposed Order) (Ortiz, Matthew) (Entered: 07/29/2016) |
| 07/29/2016 | <u>13</u> | Letter in Response to Lofted's 07/25/16 Letter by Lofty Coffee Inc. (Sullivan, Michael) (Entered: 07/29/2016) |
| 07/29/2016 | <u>14</u> | ORDER finding as moot <u>9</u> Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at the NYEDs homepage. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure that the \$150 admission fee be submitted to the Clerks Office.; finding as moot <u>11</u> Motion to Amend/Correct/Supplement; granting <u>12</u> Motion to Amend/Correct/Supplement. So Ordered by Magistrate Judge Cheryl L. Pollak on 7/29/2016. (Caggiano, Diana) (Entered: 07/29/2016) |
| 08/04/2016 | <u>15</u> | Letter by Lofted Coffee LLC (Ortiz, Matthew) (Entered: 08/04/2016) |
| 08/18/2016 | <u>16</u> | REPORT of Rule 26(f) Planning Meeting (Ortiz, Matthew) (Entered: 08/18/2016) |
| 08/23/2016 | <u>17</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-8860237. by Lofty Coffee Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit) (Pequignot, Matthew) (Entered: 08/23/2016) |
| 08/23/2016 | <u>18</u> | Letter Motion to Appear by Telephone by Lofty Coffee Inc.. (Pequignot, Matthew) (Entered: 08/23/2016) |
| 08/24/2016 | | ELECTRONIC ORDER granting <u>18</u> Motion to Appear by Telephone on 8/25/16 @ 3:00 PM. So Ordered by Magistrate Judge Cheryl L. Pollak on 8/24/2016. (Caggiano, Diana) (Entered: 08/24/2016) |
| 08/25/2016 | <u>19</u> | Amended MOTION to Amend/Correct/Supplement <i>Motion for Pro Hac Vice Admission of Matthew A. Pequignot</i> by Lofty Coffee Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit, # <u>3</u> Proposed Order) (Pequignot, Matthew) (Entered: 08/25/2016) |

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| 08/25/2016 | | ELECTRNIC ORDER: The initial conference previously scheduled for 8/25/16 @ 3:00 PM before MJ Pollak will proceed <u>via telephone</u> . So Ordered by Magistrate Judge Cheryl L. Pollak on 8/25/2016. (Caggiano, Diana) Modified on 8/25/2016 (Caggiano, Diana). (Entered: 08/25/2016) |
| 08/25/2016 | <u>20</u> | ORDER denying <u>17</u> Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at the NYEDs homepage. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure that the \$150 admission fee be submitted to the Clerks Office.; granting <u>19</u> Motion to Amend/Correct/Supplement. So Ordered by Magistrate Judge Cheryl L. Pollak on 8/25/2016. (Caggiano, Diana) (Entered: 08/25/2016) |
| 08/26/2016 | <u>21</u> | MINUTE ENTRY for Initial Conference proceeding held before MJ Pollak on 8/25/2016. Initial disclosures due 9/30/16. Parties to exchange document requests and interrogatories by 10/21/16 – responses 11/21/16. Telephone Conference set for 11/29/2016 @ 2:00 PM. (Caggiano, Diana) (Entered: 08/26/2016) |
| 10/18/2016 | <u>22</u> | Request for Certificate of Default by Lofty Coffee Inc. (Attachments: # <u>1</u> Affidavit in Support, # <u>2</u> Proposed Order) (Sullivan, Michael) (Entered: 10/18/2016) |
| 10/20/2016 | | ORDER OF ENTRY: Defendant/Counterplaintiff Lofty Coffee Inc.'s request for a Certificate of Default is denied. Plaintiff/Counterdefendant Lofted Coffee, LLC has appeared in this action and requested to move to dismiss the counterclaims filed against it. In light of this request, Lofted Coffee LLC's time to Answer the counterclaims is extended until 20 days after a decision on any motion to dismiss. The Court will hold a pre-motion conference on Thursday, November 10, 2016 at 11:00 a.m. in Courtroom 6A. Counsel fully familiar with this action shall appear. The parties are directed to confer with one another to ensure that all are aware of this conference. Ordered by Judge Roslynn R. Mauskopf on 10/20/2016. (Mauskopf, Roslynn) (Entered: 10/20/2016) |
| 10/20/2016 | <u>23</u> | First MOTION to Stay <i>Discovery</i> by Lofty Coffee Inc.. (Sullivan, Michael) (Entered: 10/20/2016) |
| 10/21/2016 | | ELECTRONIC SCHEDULING ORDER re <u>23</u> : A Telephone Conference to address the issues raised in <u>23</u> is scheduled on October 25, 2016 at 2:00 p.m. The exchange of document requests and interrogatories is stayed until the conference. So Ordered by Magistrate Judge Cheryl L. Pollak on 10/21/2016. (Singer, Jacob) (Entered: 10/21/2016) |
| 10/25/2016 | <u>24</u> | MINUTE ENTRY for Telephone Conference proceeding held before MJ Pollak on 10/25/16. Motion to stay discovery <u>23</u> denied without prejudice. Telephone Conference set for 11/29/2016 @ 2:00 PM. (Caggiano, Diana) (Entered: 10/25/2016) |
| 10/26/2016 | <u>25</u> | MOTION to Stay <i>Discovery</i> by Lofty Coffee Inc.. (Sullivan, Michael) (Entered: 10/26/2016) |
| 10/27/2016 | <u>26</u> | Letter to Judge Mauskopf by Lofted Coffee LLC (Ortiz, Matthew) (Entered: 10/27/2016) |
| 10/28/2016 | <u>27</u> | REPLY in Support re <u>25</u> MOTION to Stay <i>Discovery</i> filed by Lofty Coffee Inc.. (Pequignot, Matthew) (Entered: 10/28/2016) |
| 10/28/2016 | <u>28</u> | Letter to Judge Mauskopf 2 by Lofted Coffee LLC (Ortiz, Matthew) (Entered: 10/28/2016) |
| 11/04/2016 | <u>29</u> | Motion to Appear by Telephone at November 10, 2016 pre-motion Conference by Lofty Coffee Inc.. (Pequignot, Matthew) (Entered: 11/04/2016) |
| 11/07/2016 | <u>30</u> | Letter to Judge Mauskopf 3 by Lofted Coffee LLC (Ortiz, Matthew) (Entered: 11/07/2016) |
| 11/08/2016 | | ORDER OF ENTRY: By close of business today, plaintiff Lofted Coffee LLC shall file a supplemental letter setting forth the relevance to this action of the Second Circuit's opinion in <i>Cross Commerical Media, Inc.</i> , referenced in plaintiff's letter filed on 11/7/2016 at Doc. No. <u>30</u> . By close of business on 11/9/2016, defendant Lofty Coffee Inc. shall file a letter in response. Ordered by Judge Roslynn R. Mauskopf on 11/8/2016. (Mauskopf, Roslynn) (Entered: 11/08/2016) |

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| 11/08/2016 | | ORDER granting <u>29</u> Motion to Appear by Telephone. Counsel shall not participate via cell phone and shall contact the courtroom deputy immediately to coordinate the appearance. Ordered by Judge Roslynn R. Mauskopf on 11/8/2016. (Taronji, Robert) (Entered: 11/08/2016) |
| 11/08/2016 | <u>31</u> | Letter – <i>Supplemental letter</i> by Lofted Coffee LLC (Ortiz, Matthew) (Entered: 11/08/2016) |
| 11/09/2016 | <u>32</u> | Letter <i>in Response to Lofted's 11/8/16 Letter</i> by Lofty Coffee Inc. (Pequignot, Matthew) (Entered: 11/09/2016) |
| 11/10/2016 | | Minute Entry for proceedings held before Judge Roslynn R. Mauskopf: Pre Motion Conference held on 11/10/2016. Matthew Ortiz for plaintiff. Michael Sullivan and Matthew Pequignot(by telephone) for defendant. The motion to stay discovery at <u>25</u> is denied. The parties shall continue with discovery pursuant to Magistrate Judge Pollak's schedule. (Court Reporter Anthony Mancuso) (Taronji, Robert) (Entered: 11/15/2016) |
| 11/22/2016 | <u>33</u> | MOTION to Withdraw as Attorney (<i>Matthew Ortiz</i>) by Lofted Coffee LLC. (Ortiz, Matthew) (Entered: 11/22/2016) |
| 11/28/2016 | <u>34</u> | ORDER granting <u>33</u> Motion to Withdraw as Attorney. Attorney Matthew B. Ortiz terminated. So Ordered by Magistrate Judge Cheryl L. Pollak on 11/28/2016. (Caggiano, Diana) (Entered: 11/28/2016) |
| 11/29/2016 | | ELECTRONIC ORDER granting in part <u>35</u> : The telephone conference previously set for 11/29/2016 is rescheduled to December 14, 2016 at 4:30 p.m. So Ordered by Magistrate Judge Cheryl L. Pollak on 11/29/2016. (Singer, Jacob) (Entered: 11/29/2016) |
| 12/02/2016 | <u>37</u> | Request for Certificate of Default by Lofty Coffee Inc. (Attachments: # <u>1</u> Affidavit in Support, # <u>2</u> Proposed Order CERTIFICATE OF DEFAULT) (Pequignot, Matthew) (Entered: 12/02/2016) |
| 12/02/2016 | <u>38</u> | RESPONSE to Motion re <u>35</u> First MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-9095611. filed by Lofty Coffee Inc.. (Attachments: # <u>1</u> Declaration) (Pequignot, Matthew) (Entered: 12/02/2016) |
| 12/13/2016 | <u>39</u> | Clerk's ENTRY OF DEFAULT It appearing from the docket maintained in this action that Counter-Defendant Lofted Coffee LLC has failed to appear or otherwise defend this action, the default of Counter-Defendant Lofted Coffee LLC is hereby noted pursuant to Rule 55a of the Federal Rules of Civil Procedure. (Hamilton, Janet) (Entered: 12/13/2016) |
| 12/13/2016 | <u>40</u> | Second MOTION to Adjourn Conference <i>on Discovery Status</i> by Lofted Coffee LLC. (Lehman, Brian) (Entered: 12/13/2016) |
| 12/13/2016 | <u>41</u> | REPLY in Opposition re <u>40</u> Second MOTION to Adjourn Conference <i>on Discovery Status</i> filed by Lofty Coffee Inc.. (Pequignot, Matthew) (Entered: 12/13/2016) |
| 12/14/2016 | | ELECTRONIC ORDER denying <u>40</u> re <u>41</u> : Plaintiff's motion to adjourn the telephone conference set for 12/14/2016 is denied. Mr. Kasell is directed to appear on behalf of the plaintiff. So Ordered by Magistrate Judge Cheryl L. Pollak on 12/14/2016. (Singer, Jacob) (Entered: 12/14/2016) |
| 12/14/2016 | <u>42</u> | MINUTE ENTRY for Telephone Conference proceeding before MJ Pollak on 12/14/16. Responses to outstanding discovery due 12/30. Plaintiff to serve discovery requests by 12/30; responses due 1/31. Settlement conference to be scheduled. (Singer, Jacob) (Entered: 12/14/2016) |
| 12/19/2016 | <u>43</u> | First MOTION to Amend/Correct/Supplement <u>35</u> First MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-9095611. <i>Brian Lehman</i> by Lofted Coffee LLC. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit, # <u>3</u> Proposed Order) (Lehman, Brian) (Entered: 12/19/2016) |
| 12/20/2016 | <u>44</u> | ORDER granting <u>35</u> – <u>43</u> Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at the NYEDs homepage. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure that the \$150 admission fee be submitted to the Clerks Office. So Ordered by Magistrate Judge |

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| | | Cheryl L. Pollak on 12/20/2016. (Caggiano, Diana) (Entered: 12/20/2016) |
| 12/20/2016 | <u>45</u> | MOTION for pre motion conference by Lofted Coffee LLC. (Lehman, Brian) (Entered: 12/20/2016) |
| 12/21/2016 | | ORDER: No pre-motion conference <u>45</u> is required. By January 4, 2017, defendant Lofted Coffee Inc. shall respond by letter brief not to exceed three pages to plaintiff Lofted Coffee LLC's request to vacate plaintiff's default. Plaintiff may respond by letter brief not to exceed three pages by January 11, 2017. The parties' letters shall be treated as the fully-briefed motion. Ordered by Judge Roslynn R. Mauskopf on 12/21/2016. (Ayoub, Emile) (Entered: 12/21/2016) |
| 12/28/2016 | <u>46</u> | Letter <i>regarding Plaintiff's available dates for settlement conference</i> by Lofted Coffee LLC (Lehman, Brian) (Entered: 12/28/2016) |
| 12/30/2016 | | ELECTRONIC SCHEDULING ORDER re <u>42</u> – <u>46</u> : A settlement conference is scheduled on January 20, 2017 at 3:30 p.m. Representatives of both parties, with settlement authority, are Ordered to attend. So Ordered by Magistrate Judge Cheryl L. Pollak on 12/30/2016. (Singer, Jacob) (Entered: 12/30/2016) |
| 01/04/2017 | <u>47</u> | MOTION for Leave to File Excess Pages <i>in Opposition to Plaintiff Counterdefendant's Motion to Set Aside Default</i> by Lofted Coffee Inc.. (Attachments: # <u>1</u> Proposed Opposition to Plaintiff Counterdefendant's Motion to Set Aside Default, # <u>2</u> Affirmation of Eric Myers in Support of Opposition to Motion to Set Aside Default, # <u>3</u> Affirmation of Michael Sullivan in Support of Opposition to Motion to Set Aside Default, # <u>4</u> Affirmation of Sarah Woodson in Support of Opposition to Motion to Set Aside Default, # <u>5</u> Affirmation of Matthew Pequignot in Support of Opposition to Motion to Set Aside Default, # <u>6</u> Exhibit A to Affirmation of Matthew Pequignot, # <u>7</u> Exhibit B to Affirmation of Matthew Pequignot, # <u>8</u> Exhibit C to Affirmation of Matthew Pequignot) (Pequignot, Matthew) (Entered: 01/04/2017) |
| 01/04/2017 | <u>48</u> | RESPONSE in Opposition re <u>47</u> MOTION for Leave to File Excess Pages <i>in Opposition to Plaintiff Counterdefendant's Motion to Set Aside Default</i> filed by Lofted Coffee LLC. (Lehman, Brian) (Entered: 01/04/2017) |
| 01/05/2017 | <u>49</u> | Letter <i>to Magistrate Judge Pollak Requesting Discovery Conference</i> by Lofted Coffee LLC (Attachments: # <u>1</u> Exhibit Defendant's First Set of Requests for Production of Documents) (Lehman, Brian) (Entered: 01/05/2017) |
| 01/05/2017 | <u>50</u> | Letter <i>to Judge Pollack request service by first class mail and terminating use of email for service</i> by Lofted Coffee LLC (Attachments: # <u>1</u> Exhibit) (Lehman, Brian) (Entered: 01/05/2017) |
| 01/05/2017 | <u>51</u> | REPLY in Opposition re <u>50</u> Letter, <u>49</u> Letter filed by Lofted Coffee Inc.. (Pequignot, Matthew) (Entered: 01/05/2017) |
| 01/05/2017 | <u>52</u> | Letter <i>reply to Defendant's letter in opposition to request for conference and counsel's use of email to serve</i> by Lofted Coffee LLC (Lehman, Brian) (Entered: 01/05/2017) |
| 01/05/2017 | | ELECTRONIC SCHEDULING ORDER: A telephone conference re <u>49</u> – <u>50</u> – <u>51</u> – <u>52</u> is scheduled on January 6, 2017 at 4:00 p.m. So Ordered by Magistrate Judge Cheryl L. Pollak on 1/5/2017. (Singer, Jacob) (Entered: 01/05/2017) |
| 01/06/2017 | <u>53</u> | Letter <i>regarding call-in and potential addition issue for telephone conference</i> by Lofted Coffee LLC (Lehman, Brian) (Entered: 01/06/2017) |
| 01/06/2017 | <u>54</u> | Letter <i>objecting to Defendant's forthcoming request for adjournment of settlement conference on January 20, 2017</i> by Lofted Coffee LLC (Attachments: # <u>1</u> Exhibit) (Lehman, Brian) (Entered: 01/06/2017) |
| 01/09/2017 | | MINUTE ENTRY for Telephone Conference proceeding held before MJ Pollak on 1/6/2017. Conference held. Order to follow (TAPE #4:07–4:28) (Caggiano, Diana) (Entered: 01/09/2017) |
| 01/09/2017 | <u>55</u> | ORDER re <u>49</u> – <u>50</u> – <u>51</u> – <u>52</u> – <u>53</u> – <u>54</u> : On January 6, 2017, a telephone conference was held before the undersigned at which the following ruling were made: 1) Discovery is stayed pending the disposition of plaintiff's motion to set aside the Clerk's entry of default. The Court notes that discovery is not complete and will be re-opened either on all issues involved in the case, should plaintiff's motion be granted and the |

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| | | entry of default is vacated, or on damages, should plaintiff's motion be denied and the case proceeds to a motion for default judgment. 2) The parties were advised that, should counsel continue to have difficulty communicating with each other by e-mail, the Court may Order that counsel copy the Court on any further e-mail communications. 3) The Settlement Conference previously scheduled for January 20, 2017 is adjourned sine die. The Court notes, however, that should the parties confer and agree that a settlement conference may be fruitful, they may contact the Court's chambers to schedule such a conference. Prior to contacting the Court, the parties should confer as to dates that are mutually available for the parties. So Ordered by Magistrate Judge Cheryl L. Pollak on 1/9/2017. (Caggiano, Diana) (Entered: 01/09/2017) |
| 01/11/2017 | <u>56</u> | REPLY in Support of <i>MOTION for pre-motion conference (45) converted by Court's Order to plaintiff's motion to set aside Clerk's entry of Default (39)</i> filed by Lofted Coffee LLC. (Lehman, Brian) (Entered: 01/11/2017) |
| 01/12/2017 | <u>57</u> | Letter in Reply to Document No. 56 by Lofty Coffee Inc. (Attachments: # <u>1</u> Exhibit 1) (Pequignot, Matthew) (Entered: 01/12/2017) |
| 02/03/2017 | | ORDER granting <u>45</u> Motion to Vacate Default of Counter-Defendant Lofted Coffee and granting <u>47</u> Motion for Leave to File Excess Pages: Counter-Defendant Lofted Coffee's Motion to Vacate Default (Doc. Nos. <u>45</u> , <u>47</u> , <u>48</u> , <u>56</u> , <u>57</u>) is granted, this Court finding, based on the record in this case, tha Lofted Coffee has shown good cause, <i>inter alia</i> that 1) Lofted Coffee was not willful in failing to Answer the counter-claim given Lofted's change of primary counsel and the underlying reasons for said change, prompting the need for Mr. Lehman to perfect his pro hac vice admission by obtaining a Certificate of Good Standing, 2)the delay necessitated by this change of counsel was minimal and in no way prejudiced counter-plaintiff Lofty Coffee, and 3) counter-defendant Lofted Coffee has asserted a meritorious claim that it is not infringing Lofty Coffee's marks. F.R. Civ. P. 55(c); <i>see e.g., Meehan v. Snow</i> , 652 F.2d 274, 277 (2d Cir. 1981) (setting forth the factors to set aside a default). Counter-Defendant Lofted Coffee is ORDERED TO ANSWER THE COUNTERCLAIM within 21 days of the date of this Order. This action is re-committed to the assigned Magistrate Judge for all further pre-trial proceedings, including settlement discussions as previously contemplated by the parties. Ordered by Judge Roslynn R. Mauskopf on 2/3/2017. (Mauskopf, Roslynn) (Entered: 02/03/2017) |
| 02/06/2017 | | ELECTRONIC SCHEDULING ORDER: Telephone Conference is set for 3/9/2017 @ 2:00 PM before Magistrate Judge Cheryl L. Pollak. So Ordered by Magistrate Judge Cheryl L. Pollak on 2/6/2017. (Caggiano, Diana) (Entered: 02/06/2017) |
| 02/07/2017 | <u>58</u> | MOTION for Leave to Appear Pro Hac Vice for <i>Sarah L. Woodson</i> Filing fee \$ 150, receipt number 0207-9273189. by Lofty Coffee Inc.. (Attachments: # <u>1</u> Affidavit of Sarah L. Woodson in Support of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> Certificate of Good Standing) (Woodson, Sarah) (Entered: 02/07/2017) |
| 02/10/2017 | <u>59</u> | Letter MOTION for Discovery <i>Stay Clarifying Order</i> by Lofty Coffee Inc.. (Pequignot, Matthew) (Entered: 02/10/2017) |
| 02/13/2017 | | ELECTRONIC ORDER granting <u>59</u> : Given that the Honorable Roslynn R. Mauskopf has granted plaintiff's motion to vacate its default on defendant's counterclaims, the stay of discovery is lifted. Plaintiff's deadline to answer or otherwise respond to defendant's counterclaims is currently February 24, 2017. The Court Orders that responses to any outstanding discovery requests or interrogatories are due on <u>March 6, 2017</u> . To the extent that the parties seek to submit new requests based on Judge Mauskopf's Order or on plaintiff's response to defendant's counterclaims, deadlines to serve those requests and to respond to them will be addressed at the telephone conference scheduled before the undersigned on March 9, 2017 at 2:00 p.m. The parties are reminded that if they would like the Court's assistance in reaching a settlement, they may file a letter requesting a settlement conference. Should a settlement conference be held, clients will be Ordered to appear. So Ordered by Magistrate Judge Cheryl L. Pollak on 2/13/2017. (Singer, Jacob) (Entered: 02/13/2017) |
| 02/15/2017 | <u>60</u> | MOTION to Amend/Correct/Supplement <u>58</u> MOTION for Leave to Appear Pro Hac Vice for <i>Sarah L. Woodson</i> Filing fee \$ 150, receipt number 0207-9273189. by Lofty Coffee Inc.. (Attachments: # <u>1</u> Notice of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> |

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| | | Affidavit of Sarah L Woodson In Support of Admission Pro Hac Vice, # <u>3</u> Certificate of Good Standing, # <u>4</u> Proposed Order) (Woodson, Sarah) (Entered: 02/15/2017) |
| 02/17/2017 | <u>61</u> | ORDER denying <u>58</u> Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at the NYEDs homepage. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure that the \$150 admission fee be submitted to the Clerks Office; granting <u>60</u> Motion to Amend/Correct/Supplement. So Ordered by Magistrate Judge Cheryl L. Pollak on 2/17/2017. (Caggiano, Diana) (Entered: 02/17/2017) |
| 02/21/2017 | <u>62</u> | <i>Plaintiff's</i> ANSWER to <u>7</u> Answer to Complaint,, Counterclaim, by Lofted Coffee LLC. (Lehman, Brian) (Entered: 02/21/2017) |
| 03/02/2017 | <u>63</u> | MOTION to Adjourn Conference <i>Scheduled March 9, 2017</i> , MOTION for Discovery <i>Adjournment of Pending Discovery Deadlines</i> by Lofted Coffee Inc.. (Woodson, Sarah) (Entered: 03/02/2017) |
| 03/02/2017 | | ELECTRONIC ORDER granting <u>63</u> : In light of <u>63</u> , the telephone conference previously set for 3/9/2017 is adjourned <i>sine die</i> . Stipulation of dismissal to be filed within 30 days – <u>4/3/2017</u> . So Ordered by Magistrate Judge Cheryl L. Pollak on 3/2/2017. (Singer, Jacob) (Entered: 03/02/2017) |
| 03/22/2017 | <u>64</u> | NOTICE of Settlement by Lofted Coffee LLC (Lehman, Brian) (Entered: 03/22/2017) |
| 03/23/2017 | | ORDER DISMISSING CASE: By Doc. No. <u>64</u> the parties agree to dismiss all claims in this action with prejudice subject to the terms of a settlement agreement and with each party to otherwise bear its own costs, expenses, and attorney fees. The Clerk of the Court is directed to close the case. Ordered by Judge Roslynn R. Mauskopf on 3/23/2017. (Taronji, Robert) (Entered: 03/23/2017) |